

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROCKWELL AUTOMATION, INC. and
ROCKWELL AUTOMATION
TECHNOLOGIES, INC.,

Plaintiffs,

v.

ORDER

10-cv-718-wmc

WAGO CORPORATION and WAGO
KONTAKTTECHNIK GMBH & CO. KG,

Defendants.

Having reviewed defendants' deposition designations and objections thereto, the court makes the following rulings as to the depositions of Amy Rybacki and Daniel Schmacher (both in his personal capacity and as a 30(b)(6) designee). The approved designations may be presented to the jury unless the witness is available to testify in person. Defendants shall remove the following from the approved designations: (1) all objections; (2) any "strike that" references or similar language and the preceding question; (3) any complaints about the opposing party's failure to timely produce documents; (4) any document requests; and (5) any other asides or discussions between counsel.

Amy Rybacki (Sept. 5, 2012)

Defendants' Designations	Plaintiffs' Objections	Plaintiff Counter- Designations	Defendant Counter- Objections	Ruling
6:3-5				

6:8-9				
7:15-8:6				
9:8-10:11				
10:14-18				
10:24-11:6				
16:11-17				
22:6-15				
23:21-22	R, 403, FD	53:20-25		Overruled.
26:2-3	FD, V, 403, R, MT, AF	53:20-25		Overruled.
26:7	FD, V, 403, R, MT, AF	53:20-25		Overruled
26:9-15	FD, R, 403, AF, V	53:20-25		Overruled
30:8-14	FD, R, 403, AF, V			Overruled.
33:2-3	FD, R, 403, AF, V	33:4-9		Overruled.
35:14-16	FD, R, 403, AF, V			Overruled.
35:19	FD, R, 403, AF, V			Overruled
35:21-36:1	FD, R, 403, AF, V			Overruled
40:8-10	FD, R, 403, AF, V			Sustained as to vague, overruled in all other respects.
53:20-25	FD, R, 403			Overruled.
55:17-24	FD, R, 403			Overruled.
56:1-3	FD, R, 403			Sustained.
56:5-11	FD, R, 403, AF			Sustained.
56:21-57:3	FD, R, 403, AF			Reserve at to PLC5, sustained in all other respects.

57:5	FD, R, 403, AF			Sustained.
57:7-11	FD, R, 403, AF			Sustained.
57:23-25	FD, R, 403, AF			Sustained.
59:8-10	FD, R, 403, AF			Sustained.
59:22-25	FD, R, 403, AF			Sustained.
62:8-10	R, 403, FD			Overruled.
62:25-63:9	R, 403, FD			Overruled.
63:12-14	R, 403, FD, MT			Overruled.
63:25-64:2	R, 403, FD, MT	63:20-23, 35:23-36:1		Overruled.
64:9-11	R, 403, FD, MT			Overruled.
64:13-16	R, 403, FD, MT			Overruled.
64:21-22	R, 403, MT			Overruled.
64:25-65:3	R, 403			Overruled.
65:5-7	R, 403			Overruled.
65:11-15	FD, R, 403			Overruled.
65:21-66:15	FD, R, 403, AF			Overruled.
67:6-14	FD, R, 403, AF			Overruled.
67:24-25	FD, R, 403, AF			Overruled.
68:15-19	FD, R, 403, AF			Overruled.
75:19-76:9	FD, R, 403, AF			Overruled.
76:12-78:12	FD, R, 403, AF			Overruled.

78:23-79:8	FD, R, 403, AF			Overruled.
88:8-13	FD, R, 403, AF			Overruled.
89:25-90:2	FD, R, 403, AF			Overruled.
90:4	FD, R, 403, AF			Overruled.
91:8-92:2	FD, R, 403, AF			Overruled.
92:4	FD, R, 403, AF			Overruled.
92:6-11	FD, R, 403, AF			Overruled.
94:22-95:1	FD, R, 403, AF			Overruled.
95:4	FD, R, 403, AF			Overruled.
98:7-99:18	FD, R, 403, AF			Overruled.
100:6-13	FD, R, 403, AF			Withdrawn.
101:2-3	FD, R, 403, AF			Overruled.
101:6	FD, R, 403, AF			Withdrawn.
101:25-102:9	FD, R, 403, AF			Overruled.
102:25-104:1	FD, R, 403, AF			Withdrawn.
104:11-19	FD, R, 403, AF			Withdrawn.
104:22-105:23	FD, R, 403, AF			Overruled.
107:2-15	FD, R, 403, AF			Sustained.

107:17-18	FD, R, 403, AF			Sustained.
107:25-108:3	FD, R, 403, AF			Sustained.
108:7-10	FD, R, 403, AF			Sustained.
108:15-22	FD, R, 403, AF			Sustained.
109:19-25	FD, R, 403, AF			Sustained.
110:13-18	FD, R, 403, AF			Overruled.
112:12-113:2	FD, R, 403, AF			Overruled.
113:13-14	FD, R, 403, AF			Sustained.
113:18-20	FD, R, 403, AF			Sustained.
114:10-12	FD, R, 403, AF			Overruled.
114:15	FD, R, 403, AF			Overruled.
115:10-12	FD, R, 403, AF			Overruled.
115:22-116:3	FD, R, 403, AF			Overruled.
116:8-117:2	FD, R, 403, AF			Overruled.
118:11-15	FD, R, 403, AF			Overruled.
125:5-9	FD, R, 403, AF			Sustained.
125:11	FD, R, 403, AF			Sustained.
125:13-16	FD, R, 403, AF			Sustained.

128:19-22	FD, R, 403, AF			Overruled.
129:3-4	FD, R, 403, AF			Overruled.
129:8	FD, R, 403, AF			Overruled.
129:10-12	FD, R, 403, AF			Overruled.
129:15-17	FD, R, 403, AF			Overruled.
134:13-15	FD, R, 403, AF			Overruled.
134:18	FD, R, 403, AF			Overruled.
138:24-139:1	FD, R, 403, AF			Sustained.
139:3-4	FD, R, 403, AF			Sustained.
139:25-140:5	FD, R, 403, AF			Overruled.
140:8-9	FD, R, 403, AF			Overruled.
141:1	FD, R, 403, AF			Overruled.
141:4	FD, R, 403, AF			Overruled.
145:7-13	FD, R, 403, AF			Overruled.
145:23-146:3	FD, R, 403, AF			Overruled.

Daniel Schumacher (July 27, 2012)

Defendants' Designations	Plaintiffs' Objections	Plaintiff Counter- Designations	Defendant Counter- Objections	Rulings
3:23-4:3				Overruled.

4:25-5:13	AF, FD, R, 403, MT			Overruled.
8:15-22	R, 403			Overruled.
9:6-10	R, 403			Overruled.
9:13-10:17	V, R, 403, MT, AF			Overruled.
10:20-11:4	V, R, 403, MT, AF			Overruled.
11:7-11	V, R, 403, MT, AF			Overruled.
11:14-12:6	V, R, 403, MT, AF			Overruled.
12:20-13:5	V, R, 403, MT, AF			Overruled.
13:8-11	V, R, 403, MT, AF			Overruled.
14:21-23	V, R, 403, MT, AF			Sustained.
15:1-15	V, R, 403, MT, AF			Sustained.
15:18-16:7	V, R, 403, MT, AF			Sustained.
16:10-14	V, R, 403, MT, AF			Sustained.
16:17-19	V, R, 403, MT, AF			Sustained.
16:22-17:1	V, R, 403, MT, AF			Sustained.
17:4-9	V, R, 403, MT, AF			Sustained.
17:12-14	V, R, 403, MT, AF			Sustained.
17:17-21	V, R, 403, MT, AF			Sustained.
17:24	V, R, 403, MT, AF			Sustained.

18:13-18	V, R, 403, MT, AF			Sustained.
18:21:-19:2	V, R, 403, MT, AF			Sustained.
19:5	V, R, 403, MT, AF			Sustained.

Daniel Schumacher 30(b)(6) (July 27, 2012)

Defendants' Designations	Plaintiffs' Objections	Plaintiffs' Counter-Designations	Defendant Counter-Objections	Ruling
245: 1-7				
246:12-248:19	R			Sustained, except p. 246, ll. 12-13 & p. 248, ll. 4-19.
249:12-14	R			Sustained.
250:3-6	R			Sustained.
250:9-12	R			Sustained.
250:19-22	R			Sustained.
251:3-10	R			Sustained.
251:22-25	R			Sustained.
252:7-11	R			Sustained.
253:10-20	R			Sustained.
253:25-254:15	R			Overruled.
254:20-256:3	R			Overruled.
257:13-258:23	R			Sustained.
259:3-20	R			Sustained.
259:25-261:24	R			Sustained.
259:25-261:24	R			Sustained.
263:6-16	R			Sustained.
264:23-265:5	R			Sustained.
265:9-15	R			Sustained.
266:17	R			Sustained.

267:3-5	R			Sustained.
267:9-273:10	R, FD			Overruled.
275:24-276:24	R			Overruled.
277:2-4	R			Overruled.
277:8-278:3	R			Overruled.
278:6-279:12	R			Overruled.
279:15-280:25	R			Overruled.
281:10-22	R			Sustained.
282:2-6	R			Overruled.
288:16-19	R			Overruled.
288:22-289:5	R			Overruled.
289:8	R			Overruled.
290:23-291:9	R			Overruled.
291:12-18	R			Overruled.
291:21-294:20				Overruled.
295:1-16	R			Overruled.
303:12-304:18	FD/R/403			Overruled.
304:21-305:5	FD/R/403			Overruled.
305:8-23	FD/R/403			Overruled.
306:1-308:5	FD/R/403			Overruled.
312:5-11	FD/R/403			Overruled.
312:14-16	FD/R/403			Overruled.
324:4-6	FD/R/403			Overruled.
324:9-326:15	FD/R/403			Overruled.
326:18-327:8	FD/R/403			Overruled.
330:12-331:3	FD/R/403			Sustained.
334:14-336:6	FD/R/403			Overruled.
336:9	FD/R/403			Overruled.
336:12-337:1	FD/R/403			Overruled.
337:4-340:13	FD/R/403			Overruled.
340:16-342:9	FD/R/403			Overruled.
342:12-347:5	FD/R/403			Overruled.
347:8-13	FD/R/403			Overruled.

355:11-23	FD/R/403			Sustained.
357:4-358:6	FD/R/403			Overruled.
358:18-359:12	FD/R/403			Sustained.
359:15-360:9	FD/R/403			Sustained.
360:12-15	FD/R/403			Sustained.
360:24-362:6	FD/R/403			Sustained.
362:9-364:6	FD/R/403			Sustained.
364:14-365:2	FD/R/403			Sustained.
365:5-17	FD/R/403			Sustained.
365:20-367:15	FD, R/403			Sustained, except p. 366, l. 25 – p. 367, ll. 1-15.
367:18-22	FD, R/403			Overruled.
368:2-4	FD, R/403			Sustained.
368:8-369:2	FD, R/403			Sustained.
369:5-8	FD, R/403			Sustained.
369:11-370:22	FD, R			Sustained.
370:25-371:10	FD, R			Sustained.

The remaining deposition designations of Daniel Schumacher 30(b)(6) deposition are sustained, subject to agreement of the parties or revisiting with the court.

Entered this 11th day of October, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge